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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

SEP 12 2012

John A. Clarke, Executive Officer/Clerk
BY Linda Klein Deputy
Linda Klein

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**
12

13 SAM LUTFI,

14 Plaintiff,

15 vs.

16 LYNNE IRENE SPEARS, JAMES
17 PARNELL SPEARS, BRITNEY JEAN
18 SPEARS, and DOES 1 through 25,
19 inclusive.

20 Defendants.
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CASE NO.: BC406904

DEFENDANT LYNNE SPEARS'
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION TO
PLAINTIFF'S MOTION TO
COMPEL DOCUMENTS RE:
PUNITIVE DAMAGES PURSUANT
TO 1987 NOTICE

Motion Hearing Date: 9/25/2012
Motion Hearing Time: 10:00 a.m.
Motion Hearing Place: Dept. 71

Action Commenced: 2/3/2009
Final Status Conference: 9/25/2012
Jury Trial Date: 10/1/2012

1 **DEFENDANT LYNNE SPEARS' MEMORANDUM OF POINTS AND**
2 **AUTHORITIES IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL**
3 **DOCUMENTS RE: PUNITIVE DAMAGES PURSUANT TO 1987 NOTICE**

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5 Plaintiff Sam Lutfi ("Lutfi") concedes that all of the documents he seeks in his
6 1987 Notice to Produce Documents at Trial to Defendant Lynne Spears ("Lynne")
7 ("the Documents") are premised on Lutfi being able to establish at trial the factual and
8 legal predicates entitling him to seek punitive damages in a second phase of the trial.
9 If the verdicts are in Defendants' favor or even if Lutfi prevails on one or more of his
10 tort claims, but he is only awarded nominal or *di minimus* compensatory damages,
11 from a constitutional standpoint, Defendants' "net worth" may be irrelevant and the
12 Documents would not have to be produced at all. See *State Farm Mut. Ins. Co v*
13 *Campbell*, 538 U. S. 408, 426 (grossly excessive or arbitrary punishment generally
14 exceeding a single-digit ratio between compensatory and punitive damages, violates
15 the Due Process Clause of the Fourteenth Amendment).¹

16 Consequently, it is uncontested that none of these Documents need to be produced
17 at the outset of the trial or any time thereafter unless and until Lutfi meets his burden
18 of proof, establishes his legal right to punitive damages, establishes his right to seek
19 evidence of "net worth" and the jury makes the necessary findings.

20 In addition, the production of documents in response to Requests for Documents
21 Nos. 6 and 7, relating to the Conservatorship of Britney Spears, will depend on
22 whether Lutfi can establish the existence of such Documents and then overcome
23 issues of privacy and confidentiality. Consequently, since this may require an
24 evidentiary hearing outside the presence of the jury, Lynne requests that any rulings
25 on her Objections to Lutfi's Notice to Produce be deferred to the end of the first phase
26 of trial, when the matter may be entirely moot or clarified by the evidence and jury

27 ¹ For example, a verdict of \$1.00 justifying no more than \$1.00 in punitive damages, would
28 hardly justify the intrusive inquiry into one's "net worth."

1 verdicts.

2 Dated: September 12, 2012

ROHDE & VICTOROFF

A large, stylized handwritten signature in black ink, appearing to read 'SR', is written over the firm name and extends across the line separating the signature from the printed name.

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5 **STEPHEN F. ROHDE**
6 **Attorneys for Defendant LYNNE**
7 **SPEARS**
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2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA)
4) ss.
5 COUNTY OF LOS ANGELES)

6 I am employed in the County of Los Angeles, State of California. I am over the age of 18
7 and not a party to the within action; my business address is 1880 Century Park East, Suite 411,
8 Los Angeles, California 90067. On September 12, 2012, I served the foregoing document(s)
9 described as

10 **DEFENDANT LYNNE SPEARS' MEMORANDUM OF POINTS AND**
11 **AUTHORITIES IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL**
12 **DOCUMENTS RE: PUNITIVE DAMAGES PURSUANT TO 1987 NOTICE**

13 on the interested parties in this action by placing true copies thereof in sealed envelopes addressed
14 as follows:

15 Joel E. Boxer
16 Bird, Marella, Boxer, Wolpert, Nessim, Dooks & Lincenberg, PC.
17 1875 Century Park East, 23rd Floor
18 Los Angeles, California 90067-2561

19 Leon J. Gladstone
20 Michael J. Aiken
21 Gladstone Michel Weisberg Willner & Slaoane, ALC
22 4551 Glencoe Ave., Suite 300
23 Marina Del Rey, CA 90292

24 Joseph D. Schleimer
25 9401 Wilshire Blvd., Suite 1250
26 Beverly Hills, CA 90212

27 — BY U.S. MAIL: I deposited such envelope at a U.S. Mailbox at Los Angeles, California.
28 The envelope was mailed with postage thereon fully prepaid.

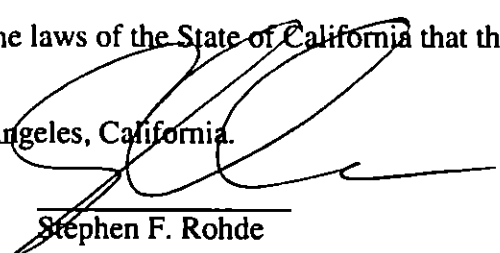
29 X BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the
30 addressee.

31 — BY FACSIMILE: I personally sent the documents via facsimile machine to the
32 addressee(s)'s facsimile number(s) designated above.

33 — BY FED EX: I caused the document(s) to be deposit with Federal Express fully prepaid.

34 I declare under penalty of perjury under the laws of the State of California that the above
35 is true and correct.

36 Executed on September 12, 2012 at Los Angeles, California.

37 
38 Stephen F. Rohde